

tive and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by section 21(d)(2) of Pub. L. 86-70 effective July 1, 1959, see section 21(d) of Pub. L. 86-70, set out as a note under section 103 of this title.

Amendment by section 21(e)(3) of Pub. L. 86-70 effective July 1, 1959, see section 21(e) of Pub. L. 86-70, set out as a note under section 101 of this title.

ESTABLISHMENT OF MINIMUM FEDERAL GUIDELINES FOR MAINTENANCE; STUDY BY NATIONAL ACADEMY OF SCIENCES AND REPORT

Pub. L. 100-17, title I, §163, Apr. 2, 1987, 101 Stat. 213, directed Secretary to enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems and, not later than 18 months after entering into appropriate arrangements, the National Academy of Sciences was to submit to Secretary and Congress a report on the results of the investigation and study together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

**[§ 117. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]**

Section, added Pub. L. 105-178, title I, §1601(a), June 9, 1998, 112 Stat. 255; amended Pub. L. 106-346, §101(a) [title III, §363], Oct. 23, 2000, 114 Stat. 1356, 1356A-36; Pub. L. 109-59, title I, §1701(a)-(d), Aug. 10, 2005, 119 Stat. 1254-1256; Pub. L. 110-244, title I, §101(k), June 6, 2008, 122 Stat. 1574, related to high priority projects program.

A prior section 117, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 897; Pub. L. 93-87, title I, §116(a), Aug. 13, 1973, 87 Stat. 258; Pub. L. 94-280, title I, §116, May 5, 1976, 90 Stat. 436; Pub. L. 97-449, §5(d)(1), Jan. 12, 1983, 96 Stat. 2442; Pub. L. 102-240, title I, §1016(f)(2), Dec. 18, 1991, 105 Stat. 1946, related to certification acceptance, prior to repeal by Pub. L. 105-178, title I, §1601(a), June 9, 1998, 112 Stat. 255.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

**§ 118. Availability of funds**

(a) DATE AVAILABLE FOR OBLIGATION.—Except as otherwise specifically provided, authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out this title shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(b) PERIOD OF AVAILABILITY.—Except as otherwise specifically provided, funds apportioned or allocated pursuant to this title in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that re-

main unobligated at the end of that period shall lapse.

(c) OBLIGATION AND RELEASE OF FUNDS.—

(1) IN GENERAL.—Funds apportioned or allocated to a State for a purpose for any fiscal year shall be considered to be obligated if a sum equal to the total of the funds apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated.

(2) RELEASED FUNDS.—Any funds released by the final payment for a project, or by modifying the project agreement for a project, shall be—

(A) credited to the same class of funds previously apportioned or allocated to the State for the project; and

(B) immediately available for obligation.

(3) NET OBLIGATIONS.—Notwithstanding any other provision of law (including a regulation), obligations recorded against funds made available under this subsection shall be recorded and reported as net obligations.

(d) Funds made available to the State of Alaska and the Commonwealth of Puerto Rico under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 897; Pub. L. 89-574, §7(a), Sept. 13, 1966, 80 Stat. 768; Pub. L. 94-280, title I, §117(a), May 5, 1976, 90 Stat. 436; Pub. L. 95-599, title I, §115(a), Nov. 6, 1978, 92 Stat. 2697; Pub. L. 96-106, §5(a), Nov. 9, 1979, 93 Stat. 797; Pub. L. 97-424, title I, §115, Jan. 6, 1983, 96 Stat. 2107; Pub. L. 100-17, title I, §§114(a)-(c), (e)(2)-(4), 115, Apr. 2, 1987, 101 Stat. 150-153; Pub. L. 102-240, title I, §1020, Dec. 18, 1991, 105 Stat. 1948; Pub. L. 102-388, title IV, §409, Oct. 6, 1992, 106 Stat. 1565; Pub. L. 105-178, title I, §§1106(c)(1)(B), 1107(b), 1226(b), June 9, 1998, 112 Stat. 136, 137; Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837; Pub. L. 109-59, title I, §§1111(a), 1501(b), Aug. 10, 2005, 119 Stat. 1171, 1235; Pub. L. 112-141, div. A, title I, §1519(b)(1)(B), (c)(5), July 6, 2012, 126 Stat. 575.)

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-141, §1519(c)(5), designated par. (2) as subsec. (b), struck out “(other than for Interstate construction)” after “this title”, and struck out former par. (1) relating to interstate construction funds and heading of former par. (2) which read “OTHER FUNDS”.

Subsecs. (c) to (e). Pub. L. 112-141, §1519(b)(1)(B), redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which related to set asides for interstate discretionary projects.

2005—Subsec. (c)(1). Pub. L. 109-59, §1111(a), substituted “\$100,000,000 for each of fiscal years 2005 through 2009” for “\$50,000,000 in fiscal year 1998 and \$100,000,000 in each of fiscal years 1999 through 2003”.

Subsec. (d). Pub. L. 109-59, §1501(b), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.”

1998—Subsec. (b). Pub. L. 105-178, §1226(b)(1), as added by Pub. L. 105-206, §9003(a), struck out “; Discretionary Projects” after “Availability” in heading.